

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PA PAH PRODUCTIONS, INC. and	:	
ELGIN BAYLOR LUMPKIN p/k/a GINUWINE,	:	08 CV 0391 (AKH)
	:	ECF CASE
Plaintiffs,	:	
	:	<b><u>NOTICE OF MOTION</u></b>
v.	:	
	:	
KING MUSIC GROUP, INC., KING MUSIC	:	
GROUP, LLC, M&A HOLDINGS, LLC,	:	
MICHAEL BOURNÉ and DOES 1-10 inclusive,	:	
	:	
Defendants.	:	
	:	
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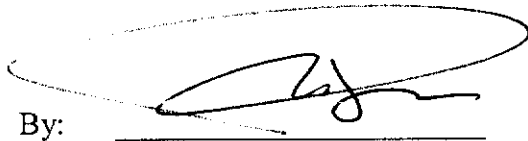
**PLEASE TAKE NOTICE** that upon this Notice of Motion, dated June 11, 2008, the Declaration of Jonathan D. Davis, dated June 11, 2008, with exhibits, and the accompanying supporting memorandum of law, dated June 11, 2008, and upon all prior proceedings heretofore had herein, Defendants-Counterclaimants King Music Group, LLC, formerly known as M&A Holdings, LLC (incorrectly sued separately as “M&A Holdings, LLC” and “King Music Group, Inc.”) and Michael Bourné, by their attorneys, Jonathan D. Davis, P.C., will move this Court, in accordance with Rule 6.1 of the Local Civil Rules of the Southern and Eastern Districts, before the Honorable Alvin K. Hellerstein, at the United States District Courthouse, Courtroom 14D, 500 Pearl Street, New York, New York 10007, for an order, pursuant to Rules 12(c), Fed. R. Civ. P., dismissing the complaint, dated January 15, 2008, for judgment on the pleading as to Counts I through IV for failure to plead the satisfaction of a condition precedent and, alternatively, as to Counts II and III for restating a breach of contract claim as one for

fraud and negligent misrepresentation, together with such other and further relief as the Court deems just and proper.

Answering declarations and memorandum of law, if any, shall be served in accordance with Local Rule 6.1(b) unless otherwise agreed to by the parties or ordered by the Court.

Dated: June 11, 2008  
New York, New York

JONATHAN D. DAVIS, P.C.



By:

Jonathan D. Davis (JD 5712)  
99 Park Avenue  
Suite 1600  
New York, New York 10016  
(212) 687-5464  
Attorneys for Defendants-  
Counterclaimants King Music Group,  
LLC and Michael Bourné

TO: LOCKE LORD BISSELL & LIDDELL, LLP  
885 Third Avenue, 26<sup>th</sup> Floor  
New York, New York 10022  
(212) 947-4700  
Attorneys for Plaintiffs and Counterclaim-Defendants